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C O N F I D E N T I A L SECTION 01 OF 03 PORT AU PRINCE 001721

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E.O. 12958: DECL: 10/20/2014

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SUBJECT: PREVAL: THE DAY THE CEP IS RE-FORMED, I CAN GET ON  
WITH ELECTIONS

REF: PORT AU PRINCE 1702 ET AL

Classified By: Ambassador Janet A. Sanderson, reason 1.5(b) and (d)

¶1. (C) Summary. In a three hour meeting October 22, President Preval told me and my French and Canadian colleagues that he wants to move on Senatorial elections "as fast as possible." He is convinced that the current Provisional Electoral Council (CEP) is dysfunctional. He proposes replacing the entire CEP and is canvassing sectors of the Haitian society for nominees. If none comes forth, he will name the CEP himself within the next week to ten days. He doesn't believe that political parties should have representatives on the CEP. To avoid a disruptive, protracted and potentially destabilizing debate, Preval must get the electoral process back on track by coming to closure now on the CEP issue, announcing a date for the senatorial election, and naming a director general. A credible slate of CEP candidates, backed by a competent Director General, will help in alleviating criticism of his intentions with regard to the elections process. Failure to move on this issue quickly will affect the president's desire to reform or replace the 1987 constitution. End Summary.

¶2. (C) In an intense three hour meeting October 22, first one-on-one and then later when we were joined by my Canadian and French colleagues, President Preval repeatedly said that he wants to move on Senatorial elections "as fast as possible." However, he is convinced that the current Provisional Electoral Council (CEP) is dysfunctional and unable to organize either the Senatorials or the indirect polls. The President maintained that the CEP, as a currently constituted, does not reflect the changed political landscape in Haiti. It has neither the mandate nor the competency to manage elections, he claimed. If this CEP is tasked with conducting elections, Preval predicted "another February 7, 2006" would result. (A reference to the crowds who gathered at the Montana Hotel where the CEP worked during the contested first round of the Presidential elections in 2006 which brought Preval to power.)

¶3. (C) Preval strongly believes that political parties should be excluded entirely from the CEP. Why, for instance, is Fusion represented in this CEP but not Lespwa The current CEP composition is not reflective of political reality in the post-interim government period. The political divisions and frictions in the CEP run deep, in large part due to the presence of political parties. Personalities also play a role, said Preval, citing the refusal of three members to

participate in CEP deliberations for more than a year and recent reports of members charging one another with graft and corruption. These deep divisions in the CEP have led to a sense of "permanent plotting," where each CEP member has attempted to swing the council's deliberations one way or another. This does the institution no good, undermines the political process, and could do irreparable harm to Haiti, the president stated.

4.(C) Thus, Preval told us, change is needed. There must be a new CEP to carry out the senatorial elections. "The day the CEP is re-formed," he said, "I can get on with elections." The best way to choose that new CEP, he said, is to have the CEP's traditional participants - the private sector, labor unions, religious organizations, civil society, human rights organizations - offer new nominees. Towards that end, Preval has been meeting with representatives from all walks of life, as well as political party leaders. His outreach to the private sector has had mixed results thus far (reftel) but he believes that most of the organizations will back him.

(Note. AMCHAM President Bernard Fils-Aime tells us that the AMCHAM Board is meeting to discuss publicly backing the president's proposal, as are other business organizations. Fils-Aime also corrected our information, discussed in ref A, that a public statement had been issued to this effect last week. It had not. End note.) Preval said that the unions support his proposal, as do some political parties. He expects that the Catholic Church will come around, particularly if the private sector is supportive; he is less sanguine about the Protestants. These discussions are on-going.

15. (C) Preval argued hard for international support for his

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plan, to the point of asking us to lobby the private sector on his behalf, but he made it clear that he is going forward with replacing the CEP with or without our backing. He also stated that he would not let this matter linger, suggesting that there would be a decision on a new CEP by the beginning of November. If, he finally told us, the various sectors could not or would not make nominees available to him, he would identify his own and form the CEP himself. Then, with a new CEP in place, elections would take place 90 days after its installation. (NOTE. This is the minimum time most observers believe MINUSTAH and others need to prepare for polls, although MINUSTAH itself is now using 120 days. END NOTE).

16. (C) Visibly ill at ease during our session, Preval barely let us get a word in edgewise until the very end of our meeting. Underscoring the importance of maintaining the electoral calendar, all three of us pressed Preval for a date for the senatorial elections. We sought a roadmap to give a sense of the timeline of issues that he wants to address, including constitutional reform. Furthermore, we suggested that he needed to address publicly the growing rumors which are circulating about his own intentions with regard to elections and constitutional reform. There is some speculation that he is reverting to his Preval I persona of seeking to govern without parliament, a charge he testily refuted to us. We noted that, while we shared his unhappiness with the performance of the CEP, any replacement must be credible and able to draw support from a cross section of Haitian society. Finally, we suggested that a welcome first step would be to name a new Director General to commence election preparations. Preval claimed not to have the authority to do so, but we noted that it had been done in the past and precedent was on his side. All of these steps, we urged, should move quickly. The debate on the CEP and elections cannot be left to linger.

17. (C) Comment. Preval was left with no question as to the importance that the international community attaches to the continuity of the electoral process. He is right, of course, about the CEP: its membership is weak, divided, and enamored

of its privileges. That the 2006 elections took place at all is due primarily to the work and organizational skills of the then-Director General, Jacques Bernard, brought into the CEP at the behest of the international community. Preval is also right in arguing that the current CEP has no mandate for the senatorials, although he could fix that easily enough by presidential decree. He has clearly convinced himself that there is no formula in which elections can go forward absent a clean sweep at the CEP. At this point, there appears to be no broad-based political opposition to his plan to replace the CEP with nominees from Haiti's various sectors, although that could change quickly if Preval mishandles the consultation process or if he follows through with his proposal to name his own nominees. We believe that he will continue to press the various parties to give him some names.

18. (C) Comment continued. Our immediate interests here are clear: we want to avoid a disruptive, protracted debate which would strain the fragile fabric of the Haitian political structure and create uncertainty here. We want to get the electoral process back on track to ensure that there is a viable legislative counterweight to the executive. It is critical, therefore, that Preval rapidly come to closure on the CEP issue, announce a date for the senatorial election, and name a director general. He also needs to take his case public. A credible slate of CEP candidates, backed by a competent Director General, will help alleviate criticism of his intentions with regard to the elections process. I will continue to press him on these matters, joined by my French or Canadian colleagues. They, like us, believe that it is past time to resolve this particular issue and move on. We also agree that until these issues are resolved, there can be no productive discussion here on constitutional reform, clearly a presidential priority. Indeed, the longer the elections issue remains unresolved the less likely it is that any consensus on the constitution will easily emerge.

19. (C) Comment continued. I note that Preval was surprisingly nervous in our discussions. According to friends, he knows that he has a problem, a problem of his own making. If he had made clear his issues with the current CEP

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six months ago, his efforts to replace it now would have gone more smoothly. With the deadline for Senatorial elections looming and Preval's call for constitutional reform the subject of much debate, it is past time for Preval to make a final decision on elections and their modalities and get to work.  
SANDERSON